

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DR. GERALD FINKEL as Chairman of the Joint
Industry Board of the Electrical Industry,

Plaintiff,

-against-

ALLSTATE ELECTRIC CORP.,

Defendant.
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ORDER

09-CV-4071 (ENV) (RER)

VITALIANO, D.J.

Plaintiff Dr. Gerald Finkel, as Chairman of the Joint Industry Board of the Electrical Industry, brought this action against defendant Allstate Electric Corp., to recover unpaid contributions pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA") and the Labor Management Relations Act ("LMRA").

Defendant was served with the amended complaint on December 29, 2009. After defendant failed to appear or otherwise respond to the complaint, plaintiff moved for default judgment on February 2, 2010. On May 28, 2010, the Court granted plaintiff's motion for default judgment and referred the action to Magistrate Judge Ramon E. Reyes to conduct an inquest.

Following a review of the relevant submissions, Magistrate Judge Reyes issued a Report and Recommendation ("R&R") on November 24, 2010, recommending that judgment be entered against defendant in the amount of \$297,014.59, reflecting \$123,168.16 in unpaid and underpaid contributions, \$4,146.93 in interest on unpaid and underpaid contributions (with interest accruing at \$14.22 per diem from November 24, 2010 through the entry of final judgment), \$5,228.93 in interest on late-paid contributions, \$157,827.98 in liquidated damages, and \$6,642.59 in attorneys'

fees and costs. No objections to Judge Reyes's R&R have been timely filed.

In reviewing a report and recommendation, the court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Moreover, in order to accept a magistrate judge's report and recommendation where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F.Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

After careful review of all the evidence in the record below, the Court finds Magistrate Judge Reyes's R&R to be correct, comprehensive, well-reasoned, and free of any clear error. The Court, therefore, adopts the R&R in its entirety as the opinion of the Court. Accordingly, for the reasons stated in the R&R, the plaintiffs are awarded \$123,168.16 in unpaid and underpaid contributions, \$4,146.93 in interest on unpaid and underpaid contributions (with interest accruing at \$14.22 per diem from November 24, 2010 through the entry of final judgment), \$5,228.93 in interest on late-paid contributions, \$157,827.98 in liquidated damages, and \$6,642.59 in attorneys' fees and costs, for a total of \$297,014.59.

The Clerk is directed to enter Judgment and to close this case.

SO ORDERED.

Dated: Brooklyn, New York
January 6, 2011

s/ENV
ERIC N. VITALIANO
U.S.D.J.